

2005 DRAFTING REQUEST

Bill

Received: **10/29/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **Pete Hanson**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Night-time bow fishing and bow fishing on Lake Michigan

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rkite 11/02/2004	lkunkel 11/16/2004	rschluet 11/17/2004	_____	sbasford 11/17/2004		S&L
/2	rkite 01/14/2005	lkunkel 01/15/2005	chaugen 01/19/2005	_____	sbasford 01/19/2005	lnorthro 02/15/2005	

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/?	rkite	1/1mk 11/16					
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FE Sent For:

<END>

10/29/04

Pete Hanson from Sen. Zien's office called to request a draft re: bow fishing

Currently bow fishing is allowed on certain streams + lakes but not at night - Zien wants a draft that allows ~~to~~ bow fishing on those waters at night

Also - under current law, there is a continuous season for bow hunting on Lake Michigan in certain counties - wants draft to provide that there should be a continuous season for bow hunting anywhere on Lake Michigan

Refer to DNR pamphlet

see 29.314(4)(b)3.

Boundary and Outlying Waters

Wisconsin/Minnesota and Wisconsin/Iowa Boundary Waters: It is unlawful for any person to use a spear or bow and arrow in any manner at any time for the purpose of taking, catching or killing any gamefish of any variety, or to have in possession or under control any fish spear or spring gaff in a fish house (shanty).

Rough fish may be taken by means of spears or bow and arrow in the daytime only during the open season (Wisconsin/Minnesota boundary waters: Saturday nearest April 21 to March 1; Wisconsin/Iowa boundary waters: Continuous open season). Cast nets no larger than 7 feet in diameter or mesh of more than 1/2" stretch measure may be used to take minnows.

Wisconsin/Michigan Boundary Waters: It is unlawful for any person to have in his possession or under his control on any Wisconsin/Michigan boundary water any spear, similar device or bow and arrow that might be used to take, catch or kill fish.

Outlying Waters: It is unlawful to spear any species or variety of fish in the outlying waters at any time, except that rough fish may be speared from sunrise to sunset in all outlying waters, and may be taken with spear guns by the methods known as skin and scuba diving by divers in Lake Michigan. Northern pike may be speared through the ice in Lake Superior.

General Net Restrictions

It is unlawful:

- To take any fish, other than smelt, from Lake Superior, its bays and tributaries, the St. Louis River, and the Montreal River downstream from the Superior Falls dam with traps and nets.
- To have in possession at any time any kind of net or nets or fish trap except minnow nets and traps, whitefish and cisco nets, dip nets (from sunrise to sunset only), crab traps and turtle traps in the following counties: Adams, Barron, Burnett, Calumet, Chippewa, Clark, Columbia, Dane, Dodge, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Polk, Portage, Price, Richland, Rock, Rusk, Sauk, Sawyer, Shawano, Taylor, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood or to have in possession or under control any basket traps (slat nets), trammel nets, or wooden traps in Buffalo, Burnett, La Crosse, Pepin, Pierce, Polk, St. Croix, Trempealeau and Vernon (Minnesota boundary waters).
- To fish with hook and line while using a dip net for rough fish or from any boat which has a dip net attached.
- To have in possession any threatened or endangered species without a permit from the department. These include, but are not limited to, some species of fish, frogs, clams and turtles. See <http://dnr.wi.gov/org/land/er/> for listed species information.
- To fish in any manner other than hook and line within 200 feet of any fishway, lock or dam at any time.
- To fish by any method within 500 feet of any DNR fish net or weir when area is posted by the DNR.

Nets for Smelt

No smelt taken by nonresidents shall be sold, traded or bartered in any manner.

It is unlawful to leave dip nets or seines unattended within 25 feet of the edge of waters inhabited by smelt.

Frame dip nets not exceeding 8 feet in diameter or 8 feet square may be used all year for taking smelt in Lake Michigan and all the streams flowing into Lake Michigan and Green Bay beginning at the lake or bay and extending upstream to 500 feet below the first dam. They may be used 5 miles inland from the mouth on streams which have no dam except the Fox River in Brown County from 500 feet below the dam at De Pere.

Seines not more than 75 feet in length and not more than 6 feet in depth may be used for taking smelt from April 1 to May 25 in most outlying waters except that portion of the Fox River in Brown County from 1,500 feet below the dam in the city of De Pere. Seines of this dimension may also be used for taking smelt in St. Louis Bay, Superior Bay, Allouez Bay and from the mouth of the St. Louis River upstream to the north 28th St. landing in Douglas County.

Frame dip nets not exceeding 8 feet in diameter or 8 feet square may be used from April 1 to May 25 for taking smelt in Lake Superior and all streams flowing into Lake Superior in Ashland, Bayfield, and Iron counties and the Brule River in Douglas County, from the mouth of each stream, inland for one-half mile in a straight line. Zoning does not apply on Bear Creek, Bluff Creek, the Nemadji River, the St. Louis River and the other nontrout streams in Douglas County, and in the waters of the Chippewa, Bad and White Rivers in Ashland County not inhabited by trout or on streams where active sea lamprey control structures are located.

Dip nets not exceeding 8 feet in diameter or 8 feet square may be used to take smelt in Lake Lucerne, Forest County; the Flambeau lake chain, Vilas County, including thoroughfares and tributary streams 200 feet upstream and downstream from the lake basins. The open and closed seasons shall be at the directive of the Regional Director.

Nets for Whitefish and Cisco

Frame dip nets not more than 8 feet in diameter or 8 feet square may be used by state residents to take whitefish and cisco in inland waters (except Lake Lucerne in Forest County) from the Saturday nearest October 10 to February 1. The possession limit of whitefish or cisco so taken is 25 pounds and 1 fish in aggregate.

Only dip nets may be used to take whitefish and cisco from Keyes Lake in Florence County from the Saturday nearest October 10 to January 15 with a daily bag limit of 3 fish.

Seines not to exceed 75 feet in length and a depth not greater than 6 feet and with a mesh not to exceed 2 inches stretch measure may be used by state residents to take whitefish and cisco in inland waters (except Lake Lucerne in Forest County) from the Saturday nearest October 10 to February 1. The possession limit of whitefish or cisco is 25 pounds and 1 fish in aggregate.

Dip Nets for Rough Fish

There is no bag or possession for rough fish taken by dipnetting but no suckers shall be sold or bartered in any manner.

No person, while operating a dip net for rough fish, shall fish for fish in any other manner at that time and no person shall fish with hook and line from any boat that has a dip net attached. Only one dip net per person is permitted to take smelt and minnows. Such dip nets must be attended at all times while in use and such nets shall only be raised and lowered vertically when fishing.

Frame Dip Nets: Frame dip nets for rough fish shall not exceed 8 feet in diameter or 8 feet square unless otherwise specified. One frame dip net per person may be used all year to take rough fish at any time in Marinette and Oconto counties in all streams flowing into Green Bay from a point 200 feet upstream from the mouth and extending 15 miles inland in a straight line, except in the Menominee River where dip nets for rough fish and smelt may be used at any time from April 1 to May 14. It shall be unlawful to use any dip net in that part of the Menominee River beginning at the upstream side of the Hattie Street Bridge in Marinette and extending upstream to the first dam and within 200 feet below all other dams. Frame dip nets used in Menominee River shall not exceed 9 feet square or 9 feet in diameter, making a bag when lifted not more than 4 feet deep.

One frame dip net per person may be used all year to take rough fish in all the nondesignated trout streams and rivers, excluding lakes, flowing into Lake Michigan and Green Bay in the counties of Brown, Door, Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine and Sheboygan in that part of each such stream or river beginning at the mouth and extending upstream to a point 500 feet below the first dam located on such stream or river.

One frame dip net per person may be used sunrise to sunset, from May 1 to March 15, to take rough fish except suckers, in that part of the Fond du Lac River in Fond du Lac County beginning at its mouth and extending upstream 3 miles.

One frame dip net per person may be used from April 25 to May 31 for the removal of rough fish from that part of Lake Winnebago within a distance of 500 feet from the shoreline of Calumet County.

The use of dip nets not more than 2 feet in diameter or 2 feet square to take rough fish in the St. Croix River downstream to the St. Croix Falls Dam, Polk County is permitted from the Saturday nearest May 15 to June 30.

Except in Lake Superior, its bays and tributaries, one dip net not exceeding 8 feet in diameter or 8 feet square may be used in all other inland and outlying waters except designated trout streams at any time of the year, sunrise to sunset, to take rough fish with no bag or possession limit.

Nets and Traps for Minnows:

It is illegal for anyone to possess more than 600 minnows except licensed bait dealers and residents younger than 16 years. It is also illegal for nonresidents to sell minnows, crayfish, or frogs as bait. Residents more than 16 years old must have a bait dealer's license to sell minnows, crayfish, or frogs for bait. Residents under 16 years can possess no more than 5,000 of each species and can sell less than \$500 worth annually without a bait dealer's license. NO minnow species may be netted or trapped in Lake Superior and its tributaries, or tributaries to Lake Michigan and Green Bay upstream to the first dam or lake. Unless you have a permit from the DNR, you may not use minnow seines or minnow dip nets of any type or description in inland trout streams or tributary spring ponds. During the open trout season, people who do not possess a bait dealer's license can't use more than three minnow traps to remove minnows from trout streams.

Bait minnows may be taken, where allowed, by the following methods only:

- Hook and line.
- With seines no more than 35 feet long with a mesh no larger than one-half inch stretch measure in inland waters. Fifty-foot lengths of seine may be used in Minnesota and Iowa boundary waters.
- With dip nets no more than eight feet in diameter or square.
- With traps no more than 24 inches long and 16 inches in diameter or square with a throat measuring one-and-a-half inches or less. All traps must bear their owner's name and address and be emptied at least once every 48 hours. On Minnesota and Iowa boundary waters, minnows must be removed from traps at least once a day from one hour before sunrise to one hour after sunset.

A Fishing or Small Game License is required to take the following species:

Frogs

The open season for taking frogs is from the Saturday nearest May 1 to December 31.

There is no open season for bullfrogs in Jefferson County.

It is unlawful to take frogs by firearms.

All frogs taken legally may be held, purchased, and sold during the closed season.

Crayfish

- No person may possess live crayfish and angling equipment simultaneously on any inland water except the Mississippi River.
- No person may place, deposit, throw or otherwise introduce live crayfish or crabs into any water of the state unless a permit authorizing introduction has been issued.
- Crayfish traps placed in trout streams shall conform to the dimensions of minnow traps. See **Nets and Traps for Minnows** (above)

There is no closed season on crayfish except on the Wisconsin/Minnesota boundary waters where the open season is from May 1 to the following March 1, both dates inclusive.

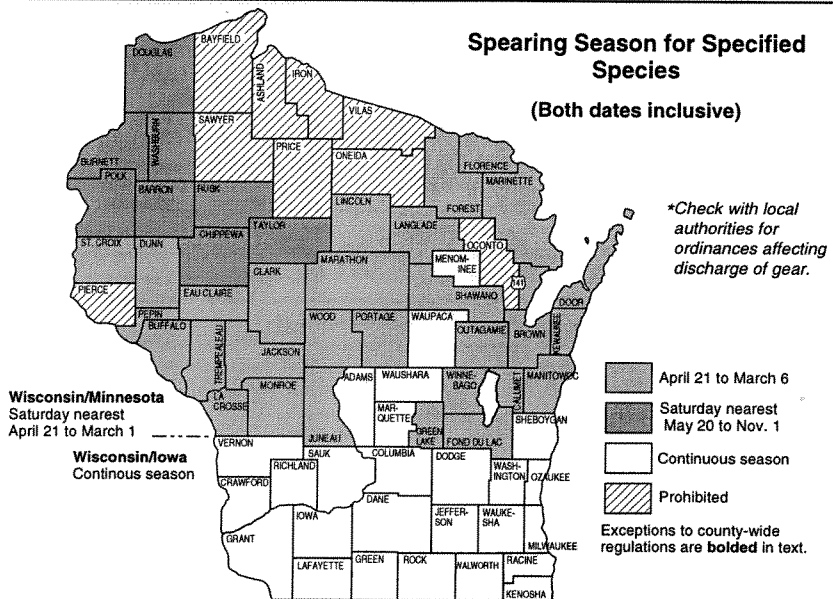
Crayfish scoops may be used in the Wisconsin/Minnesota boundary waters provided the scoops do not exceed 4 feet in length, 3 feet in width and 18 inches in depth attached to a handle not to exceed 4 feet in length.

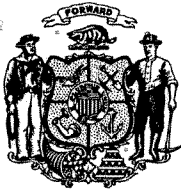
Crayfish may be taken in all waters by the following means only: By hand, by use of minnow seines and minnow

continued on back

Spearing Season for Specified Species

(Both dates inclusive)





State of Wisconsin
2005 - 2006 LEGISLATURE

RMR
1
LRB-06172
RNK: JMK dcmh

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: fishing with a bow and arrow at night and on Lake
2 Michigan. ✓

Analysis by the Legislative Reference Bureau ✓

Under current law, the Department of Natural Resources (DNR) is required to establish open and closed seasons for fish and game and to establish conditions that conserve the fish and game supply and that ensure opportunities for good fishing, hunting, and trapping. ✓ Current law authorizes DNR to exercise this authority for the entire state, for any specified county, or for any lake or stream. ✓ DNR

This bill provides that if DNR authorizes fishing with a bow and arrow on a particular body of water, the department must allow nighttime fishing with a bow and arrow on that body of water. Current law defines nighttime as the time between one hour after sunset on one day to one hour before sunrise on the following day. ✓ The bill also provides that if DNR establishes a continuous season for fishing with a bow and arrow on Lake Michigan, that continuous season must apply to fishing with a bow and arrow on Lake Michigan in every county of this state. ✓

✓ For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 29.405 of the statutes is created to read:

29.405 Fishing with bow and arrow. (1) If the department authorizes fishing with a bow and arrow on a particular body of water, the department shall allow nighttime fishing with a bow and arrow on that body of water.

(2) If the department establishes a continuous season for fishing with a bow and arrow on Lake Michigan, that continuous season shall apply to fishing with a bow and arrow on Lake Michigan in every county of this state.

(END)

1-12-05

Per Pete Hanson in Zien's office

Redraft instructions - LRB-0617

delete sub (2) entirely
clarify "nighttime"
from ~~sunset~~ sunset to sunrise the
following day



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0617/5
RNK:lmk&cmh:rs
keep

2005 BILL

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2 arrow at night and on Lake Michigan.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is required to establish open and closed seasons for fish and game and to establish conditions that conserve the fish and game supply and that ensure opportunities for good fishing, hunting, and trapping. Current law authorizes DNR to exercise this authority for the entire state, for any specified county, or for any lake or stream.

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BILL

SECTION 1

1 **29.405 Fishing with bow and arrow.** *open ✓* (1) If the department ~~authorizes~~
2 *establishes an season for ✓* fishing with a bow and arrow on a particular body of water, the department shall
3 allow ~~nighttime~~ fishing with a bow and arrow on that body of water.

4 (2) If the department establishes a continuous season for fishing with a bow
5 and arrow on Lake Michigan, that continuous season shall apply to fishing with a
6 bow and arrow on Lake Michigan in every county of this state.

7 (END)

*from sunset to
sunrise during
that open season ✓*

Emery, Lynn

From: Emery, Lynn
Sent: Wednesday, February 02, 2005 9:45 AM
To: Hogan, John
Subject: LRB 05-0617/2 (attached as requested)



05-0617/2

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Barman, Mike

From: Habich, Paul
Sent: Tuesday, February 15, 2005 4:06 PM
To: LRB.Legal
Subject: LRB 05-0617/2

Please have LRB-0617/2 jacketed for the Senate. If you have any questions you can contact Sen. Zien's office at 6-7511.

Thank you,
Paul Habich



05-0617/2